



## NEWS RELEASE

JUDICIAL COUNCIL OF CALIFORNIA  
ADMINISTRATIVE OFFICE OF THE COURTS

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### **SUMMARY OF CASES ACCEPTED DURING THE WEEK OF OCTOBER 18, 1999**

[This news release is issued to inform the public and the press of cases that the Supreme Court has accepted and of their general subject matter. The description or descriptions set out below do not necessarily reflect the view of the court, or define the specific issues that will be addressed by the court.]

#99-157 People v. Boddie, S081019. (B120617.) Unpublished opinion. Petitions for review after the Court of Appeal affirmed judgments of conviction of criminal offenses. This case includes an issue, concerning whether a juror was properly removed for refusing to deliberate and follow the law, which is related to an issue before the court in People v. Metters, S069442 (#98-70), and People v. Cleveland, S078537 (#99-94).

#99-158 People v. Hurtado, S082112. (D029586; 73 Cal.App.4th 1243.) Petitions for review after the Court of Appeal affirmed an order committing as a sexually violent predator. This case presents an issue, concerning whether it is a requirement of commitment under the Sexually Violent Predator Act that there is a likelihood the defendant will commit predatory acts, which is related to an issue before the court in People v. Torres, S079575. (See #99-124.)

#99-159 People v. Jones, S072071. (B114681; 73 Cal.App.4th 137.) Petition for review after the Court of Appeal affirmed a judgment of conviction of

(over)

criminal offenses. The court limited review to issues of 1) whether the term “single occasion,” as used in Penal Code section 667.61, subdivision (g), means the same as “separate occasion”: as defined for purposes of Penal Code section 667.6, subdivision (d), and 2) whether, for purposes of Penal Code sections 12022.3, subdivision (a), and 667.61, subdivision (e)(4), the defendant used a deadly weapon “in the commission of” sex offenses which had already been completed at the time he displayed the weapon.

#99-160 People v. Sandoval, S081438. (F030494; 73 Cal.App.4th 404.) Petition for review after the Court of Appeal reversed an order denying a motion to withdraw a no contest plea. This case includes an issue concerning whether criminal defense counsel is obligated to advise his client fully of the immigration consequences of a no contest plea, which is related to an issue before the court in Resendiz on Habeas Corpus, S078879. (See #99-109)

#99-161 Stroud v. Superior Court, S081186. (B128689, B128785; 74 Cal.App.4th 156.) Petition for review after the Court of Appeal granted petitions for peremptory writs of prohibition. This case concerns whether a magistrate’s attendance at a meeting of a Judicial Council committee of which he was a member constituted good cause for postponement of an already commenced preliminary examination. (See Pen. Code, § 861.)

#99-162 Ventura Group Ventures, Inc. v. Ventura Port District, S080112. (9th Cir. No. 97-55269; 179 F.3d 840.) Request by the United States Court of Appeals for the Ninth Circuit for the answer to a certified question of state law pursuant to rule 29.5 of the California Rules of Court. The certified questions, as posed by the Ninth Circuit and accepted by the California Supreme Court, state: “(1) “Does Article XIII A of the California Constitution (adopted in 1978 by statewide initiative as Proposition 13) prohibit a county from levying property taxes, in excess of the one percent limit, pursuant to California Harbors and

Navigation Code § 6361 to pay a money judgment as required by California Government Code §§ 970-971? [¶] (2) Does a port district created pursuant to California Harbors and Navigation Code § 6210 have independent authority to impose assessments under California Harbors and Navigation Code § 6365(d)(2) in order to raise the funds needed to satisfy a judgment obtained against it?”

#99-163 Zelig v. County of Los Angeles, S081791. (B112568; 73 Cal.App.4th 741, mod. 74 Cal.App.4th 478d.) Petition for review after the Court of Appeal reversed a judgment of dismissal of a civil action. This cases concerns 1) whether a county can be liable based either on negligence or for maintaining a dangerous condition on public property when one litigant shoots another in a court house that lacks metal detectors, and 2) whether a decision not to install metal detectors is within the police protection immunity. (See Civ. Code, § 1714; Gov. Code, §§ 835, 8445.)

## **DISPOSITIONS**

#99-2 Hondo Co. v. Superior Court, S074768, was transferred to the Court of Appeal for reconsideration in light of Horwich v. Superior Court, 21 Cal.4th 272.

#99-55 Harral v. Foster, S077349, was transferred to the Court of Appeal for reconsideration in light of Norgart v. Upjohn Co., 21 Cal.4th 383.

The following cases were transferred to the Court of Appeal for reconsideration in light of People v. Kelii, 21 Cal.4th 452:

#99-100 People v. Valentine, S078564.

#99-135 People v. Casperson, S080250.

The following cases were dismissed and remanded to the Court of Appeal:

#98-15 Associated Builders & Contractors, Inc. v. Metropolitan Water Dist., S067485.

#98-115 People v. Kidd, S071352.

#99-102 People v. Hale, S078448.

#99-103 People v. Jackson, S078718.

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